

REMARKS

Claims 1-6, 8-20, 22-27 and 29-44 are pending. Claims 31-36 are withdrawn. By this Amendment, Claims 1, 10, 12, 17, 22, 26, 37 and 41 are amended, and Claims 3, 6, and 14 are canceled. New Claims 45-46 are added.

Claim 2 is amended to incorporate the subject matter of Claim 3, Claim 5 is amended to incorporate the subject matter of Claim 6, and Claim 13 is amended to incorporate the subject matter of Claim 14.

In the Office Action, the Examiner rejects Claims 26-30 under 35 U.S.C. § 102(b) over U.S. patent No. 5,987,013 to Jones, *et al.* (Jones). This rejection is respectfully traversed. The channel of Jones that the Examiner identifies as corresponding to the second channel recited in Claim 26, is a digital data communication channel that does not display a coupon to the user, and is not navigable by the user. Instead, Jones discloses that the digital communications channel provides token information to the subscriber unit (e.g. Jones at column 3, lines 29-37). Jones does disclose that a second display 124 can be used to indicate that a coupon is available (e.g., Jones at column 9, lines 15-20), and can be used to indicate a number of available coupons (e.g., Jones at column 10, lines 50-54). However, Jones fails to disclose or suggest *displaying the coupon to the user on the second channel if the information related to the coupon is consistent with information on the first channel*, as recited in Claim 26. Accordingly, Jones fails to disclose or suggest Claims 26-30. Withdrawal of the rejection of Claims 26-30 under 35 U.S.C. § 102(b) over Jones is respectfully requested.

In the Office Action, the Examiner rejects Claims 1-6, 9-14, 25 and 37-44 under 35 U.S.C. § 103(a) over Jones. This rejection is respectfully traversed. As noted above, the channel of Jones that the Examiner identifies as corresponding to the second channel recited in Claim 1 and the coupon channel recited in Claims 37 and 41, is a digital data communication channel that does not display a coupon to the user, and is not navigable by the user. Instead, Jones discloses that the digital communications channel provides token information to the subscriber unit (e.g. Jones at column 3, lines 29-37). Jones does disclose that a second display 124 can be used to indicate that a

coupon is available (e.g., Jones at column 9, lines 15-20), and can be used to indicate a number of available coupons (e.g., Jones at column 10, lines 50-54). However, Jones fails to disclose or suggest that *the second channel is viewable and navigable by the user*, as recited in Claim 1, and similar features recited in independent Claims 37 and 41. In addition, Jones fails to disclose or suggest *automatically generating a reminder of an upcoming coupon expiration date*, as recited in Claim 1.

Applicant traverses the Examiner's assertion of Official Notice that "it would have been well known to provide a user with an electronic notification of the expiration of a coupon (separate from any notification printed on the coupon) for the benefit of alerting or notifying the user as to how long the coupon is valid." This is merely a conclusory statement, which by itself is insufficient to support a finding of Official Notice. For example, the Examiner has provided no rationale at all to explain why the feature in question would have been known at the time of the invention. Accordingly, the Examiner has failed to satisfy explicit requirements set forth in MPEP 2144.03(B) for establishing Official Notice—specifically, the Examiner has failed the requirement to provide "sound technical and scientific reasoning to support [his] conclusion of common knowledge", and has failed to present "the explicit basis on which the Examiner regards the matter as subject to official notice". Accordingly, the Examiner has failed to establish proper Official Notice. Applicant further notes that in the previous Office Action, the Examiner cited U.S. Patent No. 4,674,041 to Lemon as teaching this feature, but subsequently withdrew Lemon when Applicant pointed out that Lemon in fact does not teach this feature. If the feature in question were appropriate to Officially Notice, then it would be easy to find prior art disclosing it. The Examiner's failed attempt to find and cite a prior art reference teaching this feature suggests that it was not known at the time of the present invention and emphasizes that the assertion of Official Notice is inappropriate.

Applicant further notes that with respect to Claim 10, the Examiner cites Jones at column 9, lines 30-67 and column 10, lines 16-30. However, these passages merely disclose that Jones' system searches incoming packet data for a requested coupon. They fail to disclose or suggest *searching for one or more coupons based on one or more of a user-selected merchant category, a user-selected service category, or a user-provided keyword*, as recited in Claim 10.

Applicant further notes that with respect to Claim 12, the Examiner cites Jones at column 10, lines 50-67. However, this passage discloses that coupons are displayed in the order they were offered, with the earliest offered coupon at the beginning of the list and the last-offered coupon at the end of the list. The cited passage of Jones fails to disclose or suggest *sorting a group of coupons based on at least one of subject or merchant*, as recited in Claim 12.

For at least the above reasons, withdrawal of the rejection of Claims 1-6, 9-14, 25 and 37-44 under 35 U.S.C. § 103(a) over Jones is respectfully requested.

In the Office Action, the Examiner rejects Claims 8 and 22 under 35 U.S.C. § 103(a) over Jones in view of U.S. Patent No. 6,169,543 to Wehmeyer (Wehmeyer). This rejection is respectfully traversed. Wehmeyer teaches that the user must manually enter the reminder, see for example Wehmeyer at Figure 5A; column 13, lines 41-47; and column 14, lines 4-15. In other words, Wehmeyer teaches that the user *manually* generates the reminder which is then delivered at a time scheduled by the user. Accordingly, Wehmeyer fails to disclose or suggest *automatically generating a reminder of an upcoming coupon expiration date*, as recited in Claim 1 from which Claim 8 depends, and similar features recited in Claim 22. For example, Wehmeyer fails to disclose or suggest a server that automatically correlates user information with coupon information, and fails to disclose or suggest displaying reminders by default seven days before a coupon is to expire, as encompassed by Claims 1 and 22 and disclosed for example at page 16, line 20 to page 17, line 2 of the originally filed specification of the present application. Applicant further notes that Wehmeyer fails to overcome the deficiencies of Jones described above with respect to independent Claim 1. Withdrawal of the rejection of Claims 8 and 22 under 35 U.S.C. § 103(a) over Jones in view of Wehmeyer is respectfully requested.

In the Office Action, the Examiner rejects Claims 15-20 and 23-24 under 35 U.S.C. § 103(a) over Jones in view of U.S. Patent No. 6,336,098 to Fortenberry, *et al.* (Fortenberry). This rejection is respectfully traversed. The digital data communication of Jones that the Examiner identifies as corresponding to the second channel recited in Claim 17, is neither viewed nor viewable by the user. Accordingly, Jones fails to disclose or suggest the second channel recited in

Claim 17, in particular allowing *the user to view the second channel*, as recited in Claim 17. Fortenberry fails to overcome this deficiency of Jones, and further fails to overcome the deficiencies of Jones with respect to Claim 1, from which Claims 15-16 depend. Accordingly, for at least the above reasons Jones and Fortenberry, when considered both separately and in combination, fail to disclose or suggest Claims 15-20 and 23-24. Withdrawal of the rejection of Claims 15-20 and 23-24 under 35 U.S.C. § 103(a) over Jones in view of Fortenberry is respectfully requested.

In addition to depending from allowable independent claims 1 and 41 respectively, Claims 45 and 46 recite *filtering the information to exclude coupons from merchants not listed on a participating merchant list*. Jones, Wehmeyer and Fortenberry apparently fail to disclose or suggest this feature.

Applicant respectfully submits that the application is in condition for allowance. Favorable consideration on the merits and prompt allowance are respectfully requested. In the event any questions arise regarding this communication or the application in general, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Dated: 28 April 2006

Respectfully submitted,

By 

M. David Ream

Registration No.: 35,333
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(206) 262-8900
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant